

The Honorable John C. Coughenour

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SCOTT AND KATHRYN KASEBURG, ET AL.,)
Plaintiffs,) No. 2:14-CV-000784-JCC
vs.)
PORT OF SEATTLE, a municipal corporation;) DECLARATION OF ROBERT
PUGET SOUND ENERGY, INC., a Washington) NUNNENKAMP
for profit corporation; KING COUNTY, a home)
rule charter county; and CENTRAL PUGET)
SOUND REGIONAL TRANSIT AUTHORITY)
Defendants.

I, Robert Nunnenkamp, declare under penalty of perjury under the laws of the State of Washington as follows:

1. My name is Robert Nunnenkamp and I am employed as a Property Agent with the King County Division of Parks and Recreation. I have held this position since 2000. As a Property Agent, I am familiar with the Eastside Rail Corridor (ERC), including the railroad features acquired by King County from BNSF. I am over the age of eighteen, have personal knowledge of the facts stated below and am otherwise competent to testify regarding these matters.

DECLARATION OF ROBERT NUNNENKAMP
(2:14-CV-000784-JCC) - 1

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1 2. As constructed by BNSF and its predecessor railroad companies, the ERC has
2 many features designed to maintain a smooth and gradual grade for railroad operations. One
3 common feature of the ERC is cuts through the natural topography. Figure 1 is an example of a
4 cut slope on the ERC near Kirkland, Washington where the hillside cut in order to facilitate the
5 tracks. Figure 2, which is South of I-90, is an example of where the original topography was
6 regraded to allow placement of the track below the original surface.



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Figure 1



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Figure 2

3. BNSF also used the surface below the ground for other purposes, including drainage. Figure 3 is an example of a drainage culvert on the ERC.



Figure 3

**DECLARATION OF ROBERT NUNNENKAMP
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5. There are numerous trestles that cross ravines and creeks in the ERC, which are
supported by abutments and pilings that penetrate below the surface of the ground.. The most
notable example is the Wilburton Trestle, which soars over 100 feet above the natural surface of
the land and is almost 1,000 feet long. Figure 4 is a picture of this trestle. Figure 5 shows the
May Creek Trestle.



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Figure 4



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Figure 5

1 7. The railroad also used aerial space over the ERC for signaling equipment,
2 including railroad and traffic signaling features. Figures 6 & 7 show some of the signaling
3 equipment that remains on the ERC.



13 **Figure 6**



23 **Figure 7**

1 8. BSNF also permitted uses of the ERC that were incidental to railroad operations.
 2 A notable example of such a use is the Eastside Interceptor, which is a major wastewater trunk
 3 line serving the East side of King County. The Eastside Interceptor sewer trunk line lies mostly
 4 underground and extends in a linear fashion through portions of the ERC, including the portion
 5 from Interstate 90 south to Renton. Metro obtained easements and permits for the trunk line
 6 from BNSF in the 1960's. Most of the Eastside Interceptor trunk line was installed between 1961
 7 and 1964. Figure 8 is a portion of the Eastside Interceptor trunk line that daylights briefly
 8 aboveground. Figure 9 is an example of construction and burial of a large sewer line that is
 9 likely the Eastside Interceptor. This image appeared in a contemporary Seattle Times news story
 titled "Doing the Dirty Work." *See*

10 <http://old.seattletimes.com/special/centennial/september/dirty.html> (visited September 14, 2015).



11 Figure 8
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18 Figure 9
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Signed under penalty of perjury under the laws of Washington on this 14th day of September, 2015, at Seattle, Washington.

Robert Nunnenkamp

DECLARATION OF ROBERT NUNNENKAMP
(2:14-CV-000784-JCC) - 7

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CERTIFICATE OF SERVICE

I hereby certify that on September 14, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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DATED this 14th day of September, 2015.

s/Susie Clifford